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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS HERNANDEZ,

Defendant

Case No.: 13CR3142-WQH

**UNITED STATES' MOTION TO DISMISS
INFORMATION WITHOUT PREJUDICE**

COMES NOW the Plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Laura E. Duffy, United States Attorney, and Michael J. Heyman, Assistant United States Attorney, hereby moves pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure to dismiss, *without prejudice*, the Information against the above-named defendant in the interest of justice.

DATE: November 12, 2013

Respectfully submitted,

LAURA E. DUFFY
United States Attorney

/s/ Michael J. Heyman
Michael J. Heyman
Assistant United States Attorney

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 JESUS HERNANDEZ,
14 Defendant

Case No.: 13CR3142-WQH

CERTIFICATE OF SERVICE

15 IT IS HEREBY CERTIFIED that:

16 I, Michael J. Heyman, am a citizen of the United States and am at
17 least eighteen years of age. My business address is 880 Front Street,
Room 6293, San Diego, California 92101-8893.

18 I am not a party to the above-entitled action. I have caused
19 service of the UNITED STATES' MOTION TO DISMISS WITHOUT PREJUDICE, on
the following parties by electronically filing the foregoing with the
20 Clerk of the District Court using its ECF System, which electronically
notifies them.

21 1. Ryan Stitt, Esq., Counsel for Defendant

22 I declare under penalty of perjury that the foregoing is true and
23 correct.

24 Executed on November 12, 2013

/s/ Michael J. Heyman
Michael J. Heyman